

Edward Cohen

Call: 1972
 Education: MA (Cantab)
 Appointments: Head of Chambers; Recorder
 Email: cohen@11sb.com
 Telephone: 020 7831 6381



Edward has practised in commercial and chancery litigation, arbitrations and advisory work since 1973. He co-founded Chambers in 1975 and has been Head of 11 Stone Buildings since October 2004. He has sat as a Recorder since 2000.

He has a particular expertise in commercial contracts; partnerships and LLPs; company and insolvency; professional negligence; and civil fraud. Within these areas his practice is wide-ranging which enables him to advise and act in multi-disciplinary cases.

He has appeared in many reported decisions ranging from the House of Lords and Privy Council to the Court of Appeal and Courts of first instance. This included appearing as junior Counsel for the successful parties at all stages up to and including the House of Lords in the leading contract case of *Walford v Miles* [1992] 2 AC 128, a decision establishing the unenforceability under English law of agreements to negotiate/agreements to agree.

He is noted for combining an excellent legal brain with an extremely conscientious approach towards researching and preparing the case, persuasively presented paperwork as well as forceful and astute advocacy. When instructed to advise on the merits of a case, he will not sit on the fence but will express a clear view with the benefit of proper consideration and research.

What others say

Edward has been recommended as a leading Commercial Chancery practitioner in Chambers & Partners for several years. Comments about Edward in Chambers & Partners include:

Distinguished colleague Edward Cohen has a well-deserved reputation at the Chancery Bar and beyond for his work on all manner of commercial chancery cases, ranging from contract and shareholder disputes to property litigation and tax avoidance claims. (*Commercial Chancery - Chambers UK 2012*)

... a set headed by Edward Cohen, a company law, commercial litigation and professional negligence expert who is "probing in his analysis". (*Commercial Chancery - Chambers UK 2011*)

Head of chambers Edward Cohen is also recommended. Thirty-five years and more at the Bar have made him into "a wise old head who is never likely to be put off his stride". (*Commercial Chancery - Chambers UK 2010*)

Head of chambers Edward Cohen is seen as a "delight to work with." (*Commercial Chancery - Chambers UK 2009*)

Edward Cohen is known both for his wealth of experience in chancery-related matters and for his industrious and focused approach. (*Commercial Chancery - Chambers UK 2008*)

Head of chambers Edward Cohen was unanimously hailed as "a tactical and polished advocate," meriting additional mention as "one of the quiet, legal geniuses of the Bar." (*Commercial Chancery - Chambers UK 2007*)

"His paperwork is a pleasure," said clients of Edward Cohen who is valued notably for his "measured and conscientious approach". One client commented: "He has one of the most incisive legal brains at the Bar." (*Chancery Commercial - Chambers UK 2006*)

Commercial

Edward deals with all aspects of commercial law: commercial contracts of all kind; media, entertainment and sport; banking, guarantees and other securities; insurance; arbitration; conflicts of law; commercial property; breach of employment duties and IT disputes.

Relevant cases include:

- **Penmarric Plc v Brooklin Partnership Limited**: Acted for successful claimant finance company in recovering damages at trial for negligent misstatement against another finance company (Judgment on 28/1/2011).
- **Fashion TV Russia Limited v F.TV Limited**: Contractual dispute arising out of a licence agreement for the broadcasting of an international TV channel in Russia and the former Soviet Union countries (concluded 2010).
- **Millbray (Contracts) Limited v Schenker Limited**: Claim for breach of contract arising out of sub-contract for the haulage of goods in South East England (concluded 2010).
- **Sectrack NV v Satamatics Limited & Anor. [2007] EWHC 3003 (Comm)**: Injunction proceedings in case involving disputed allegations of breach of a distribution agreement relating to satellite communications equipment and misuse of confidential information.
- **Funtime Creations Limited v Photo-Me International Plc & Ors.**: Acting for Defendant successfully challenging jurisdiction of the English Court in proceedings arising out of employment matters.
- **Venture Finance Plc v Mead & Anor. [2005] EWCA Civ 325**: Court of Appeal case considering the costs liability of separate guarantors in respect of the same liability to a finance company.
- Claim by **professional footballer**: Acting for claimant in misrepresentation claim against provider of purported tax avoidance scheme.
- **Sale of goods claim**: Acted for successful claimants in proceedings against seller of drawings purportedly by well-known artist which transpired not to be authentic.

Partnerships and LLPs

Edward has regularly advised and acted in partnership and LLP disputes. His assistance is particularly sought in the context of disputes between solicitor partners/members where his extensive knowledge of partnership/LLP law and tactical acumen have enabled such disputes to be resolved with as little pain and acrimony as possible. He also regularly advises as to the provisions which should, or should not, be included in written partnership/LLP agreements to minimise the risk of future disputes. His multi-disciplinary expertise enables him to give complete advice on other aspects which regularly arise in partnership/LLP disputes, such as contract, insolvency, professional negligence, civil fraud, insurance and commercial property. In addition he often is asked to give practical advice as to the pros and cons of LLPs to assist partners of an ordinary partnership whether or not to go the LLP route.

Relevant cases include:

- **Foreign lawyers partnership dispute**: proceedings arising out of the collapse of the partnership, giving rise to issues of liability or otherwise of each partner to third parties under the equivalent of the English Partnership Act (2010 – ongoing).
- Claim for dissolution by partner in long-established **accountancy partnership** in arbitration proceedings (concluded 2011).
- **Technology LLP dispute** in which serious allegations of impropriety and breaches of duty were made (settled at trial, end of 2006).

Company / Insolvency

Over the years Edward has handled disputes relating to company matters, including many shareholder disputes, technical issues of company law and applications for personal costs orders against company directors/shareholders. He deals with both company and personal insolvency, including claims by liquidators/trustees in bankruptcy to recover assets for the benefit of creditors and misfeasance/disqualification proceedings against directors.

Relevant cases include:

- **Misfeasance claim** against director of insolvent company, acting for director (concluded 2010).
- **Claims by trustee in bankruptcy**, seeking recovery of various payments/gifts made by bankrupt prior to bankruptcy (2010 – ongoing).
- Shareholder dispute between shareholders in **a fashion company** relating to clothes designed by a well-known British designer (concluded 2010).
- **I-Remit Incorporated v Far East Express Remittances Limited [2008] EWHC 939 (Ch)**: Claim for costs against sole directors/shareholders of a company in liquidation which was unable to pay costs ordered against it.
- **Knox v Deane [2005] BCC 884**: Acted for successful respondents in Privy Council appeal from Barbados involving the interpretation of a pre-emption provision in a company's articles of association.
- **Ashborder BV v Green Gas Power Limited [2005] 1 BCLC 623**: Acted for successful claimants seeking ownership of various petroleum licences and company shares, the case involving the meaning and scope of a debenture clause permitting disposals in the ordinary course of business.

Professional negligence

Edward regularly acts in professional negligence claims against, in particular, solicitors as well as accountants, financial advisers, valuers, architects and surveyors. Given his expertise in other areas of law, he is well qualified to deal with professional negligence claims that involve for example property, company and insolvency issues. He has particular experience in dealing with difficult causation issues, issues that are often more problematic than the establishing of liability.

Relevant cases include:

- Claim by purchasers of property against solicitors for failure to advise that the property was within Green Belt land (2010 – ongoing).
- Claims by lenders against solicitors for failing properly to secure loans (2010 – ongoing).

Civil fraud

Edward has acted over the years in many cases of fraud over a broad spectrum, including frauds involving misappropriation of trust/company funds as well as claims based upon fraudulent misrepresentation. He has considerable experience of obtaining urgent pre-emptive relief in the form of search or freezing orders and other injunctive relief, as well as in opposing applications for such relief. He is further noted for the effectiveness of his cross-examination upon the trial of such claims.

Relevant cases include:

- A claim by the **English subsidiary of a substantial group of companies** in respect of monies stolen from the bank account of the company through internet banking and involving the grant of a freezing injunction against recipients of the monies (2010 – ongoing).
- A claim for fraudulent misrepresentation against the agent of the seller of drawings falsely represented as being by a well-known artist (2010 – ongoing).
- **Tasaruf Mevduati Sigorta Fonu v Demirel [2007] 4 All ER 1014**, which concerned the alleged misappropriation of substantial sums from Turkish companies leading to a Turkish judgment and issues regarding enforcement of the same in England.